

Greg Edds, Chairman  
Jim Greene, Vice-Chairman  
Mike Caskey  
Judy Klusman  
Craig Pierce



Aaron Church, County Manager  
Sarah Pack, Clerk to the Board  
John W. Dees, II, County Attorney

## Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144  
Telephone 704-216-8181 • Fax 704-216-8195

### MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

October 6, 2025 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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#### PRESENT:

Jim Greene, Vice-Chairman  
Mike Caskey, Commissioner  
Craig Pierce, Commissioner  
Judy Klusman, Commissioner

#### ABSENT:

Greg Edds, Chairman

County Manager Aaron Church, County Attorney Jay Dees, Clerk to the Board Sarah Pack, and Finance Director Anna Bumgarner were also present.

#### Call to Order

Vice-Chairman Greene called the meeting to order at 3:13 p.m. Chaplain Michael Taylor provided a solemnizing prayer. Vice-Chairman Greene lead the Pledge of Allegiance.

#### Consider Additions to the Agenda

There were no additions to the agenda.

#### Consider Deletions From the Agenda

There were no deletions from the agenda.

#### Consider Approval of the Agenda

*On motion of Pierce, seconded by Klusman, the Board voted 4-0 to approve the agenda as presented.*

#### Consider Approval of the Consent Agenda

*On motion of Pierce, seconded by Greene, the Board voted 4-0 to approve the Consent Agenda as presented, as follows:*

- A. *Consider Approval of the Minutes - 9/15/2025 Regular Meeting and 9/29/2025 Special Meeting*
- B. *Budget Amendments, as follows:*

<i>6100- Library</i>	<i>Appropriate donation funds to small gifts</i>	<i>\$5,400</i>
<i>5100- Health Department</i>	<i>Appropriate fund to budget additional awarded funding from Vaya health for PDO</i>	<i>\$29,310</i>

4114- County Attorney	Appropriate funds to cover the increase for the contract for county attorney salary	\$28,708
4124- Rowan Community Center	Transfer funds to cover salary changes for the parks & rec (RCC) reorg	\$43,570
4125- Finance	Appropriate funds to sales tax to cover capital improvements for Schools RSS & KCS	\$4,658,173
5100- Health Department	Adjust funding to decrease AA funding	\$768
4160- Information Systems	Appropriate donation funds for united way	\$141
5010- Soil & water	Appropriate donation funds for education project	\$1,000
4125- Finance	Appropriate funds for GASB 87 & 96	\$204,791
4125- Finance	Appropriate reserves for FY25 for Emergency Services	\$24,571
4500- Rowan Area Transit	Decrease grant fund amount for ROAP Grant FY26	\$19,390
4125- Finance	Appropriate funds for PSBC for South Rowan HS Storefront windows C26192	\$143,000

- C. Sloan Park Playground Purchase/Install - Barrs Recreation LLC
- D. Sole Source - Zoho FY26-30
- E. Sole-Source Stryker Procure Services — FY26-27
- F. Sole-Source Goldie FY26-29
- G. Health Department - Grant Applications - Salisbury Community Foundation and American Heart Association
- H. Approve "Piggybacking" Exemption & Award Thirteen (13) Vehicle Purchase - Sheriff's Office—Brooks Network Services
- I. Sole-Source National Cinemedia Agreement — FY26
- J. Approval of Purchase — Exam Room & Blood Draw Mobile Clinic - Rowan County Public Health
- K. Adopt 2026 Board of Commissioners Regular Meeting Schedule
- L. Approve 2026 County Holiday Schedule
- M. Approve Change to Regular County Schedule for Thanksgiving Holiday
- N. Amend School Redistricting Motion
- O. Support Army Training Exercise Robins Sage - Airport and Rowan Community Center
- P. Sole Source - Cellebrite USA, Inc. FY26-27
- Q. Approve Contract - Glideslope Replacement - RG Tenney Electric, Inc.
- R. Engineering Department (Environmental/Facilities Services) Reorganization
- S. Revision to Parks and Recreation Reorganization Approved on 09-02-25
- T. Request for Public Hearing - EDC "Project Vitamin"
- U. Request to Use County Property for Ellis Cross Country Fire
- V. GRANT APPLICATION: Approve Rowan Transit to Submit Application for FY26 ROAP Funding through NCDOT
- W. RSS Lease Agreement for Roof Projects updated Exhibit A
- X. Fortius Economic Development Agreement
- Y. Resolution for Terry Fries

- Z. *Sole-Source - Freshworks FY26*
- AA. *Change Order #1 - Dredging High Rock Lake - Geosyntec Consultants High Rock Lake - Dredging*
- BB. *Schedule Legislative Hearing for Z 07-25: Sifford Rental Properties, LLC., for October 20, 2025*
- CC. *Schedule Legislative Hearing for Z 08-25: Bowtie Properties, LLC., for October 20, 2025*
- DD. *Ratify Z 09-25: RRIFI LF Land, LLC. EE. Sole Source ITECH Security & Network Solutions*

### **Public Comment Period**

Vice-Chairman Greene opened the floor for Public Comment and closed it after no one wished to speak.

### **Kannapolis City Schools Needs-Based Funding Grant**

Sara Newell, Superintendent of Kannapolis City Schools, introduced Director of Operations Scott Rodgers, and Finance Officer Ashley Forrest. Ms. Newell said North Carolina Needs-Based Public School Capital Fund (NBPSCF) is designed to help counties address critical capital needs for public school facilities, including new construction, expansions, repairs, and renovations. The NBPSCF Grant provides an important opportunity to leverage state dollars to amplify local investment and address major school facility needs. Rowan County qualifies to apply for the grant because the adjusted market value of taxable real property is below \$40 billion in Rowan County.

As part of Rowan County, Kannapolis City Schools is interested in applying for the grant to help provide a solution for rapid growth, aging infrastructure, and program capacity constraints we are currently facing at A. L. Brown High School. There are currently 1,750 students, projected to be 2,000 by 2027. There is not enough space for the projected student population.

The proposed project will address these challenges by demolishing the condemned 1932 Cannon Gym building, constructing a new 50,000+ square foot facility that includes a cafeteria, administrative offices, and at least 16 new classrooms, and renovating the existing cafeteria and administrative area to provide space for JROTC drill and Drone pathway practice areas along with five additional classrooms, resulting in a net gain of 20 classrooms for the school. There are currently 40 entrances/exterior doors and an open courtyard that are largely unsecured. Moving the front office to the center of campus would allow more restrictive entrance to the main part of campus.

A campus study evaluation was completed in fall 2021. Phase 1 will include essential needs and Phase 2 will address proactive needs and ADA compliance. The program sets maximum grant amounts by school type and \$62 million can be requested for high school projects. The total estimated cost of the proposed project is \$81,840,000, so Kannapolis City Schools plans to request \$62,000,000 in funding. Grant recipients must provide a local match. The match requirement for Rowan County is 15% (\$19,840,000), however, due to Kannapolis City Schools being a shared entity between Cabarrus County and Rowan County, Cabarrus County would also be responsible for a portion of the required local match (proportionate between Rowan and Cabarrus counties based on student enrollment at A. L. Brown High School). Rowan County's

share would be \$4.96 million, while Cabarrus County would be responsible for contributing \$14.88 million, which includes \$4.34 million paid directly to Rowan County to balance the proportional enrollment share. Kannapolis City Schools has previously met with the Cabarrus County Manager, Kelly Sifford, and Cabarrus County Finance Director, Jim Howden, and Cabarrus County is in agreement with the match requirement and grant application.

Ms. Newell shared a project timeline and collaboration efforts in order to accomplish the projected projects. Completion of the project is slated for August 2028.

Commissioner Caskey asked how many students will be added to Rowan County. Mr. Rodgers showed a map of proposed growth and described where population increases are expected. Exact numbers are not yet known.

Commissioner Pierce asked how vouchers will effect enrollment. Ms. Newell said the school system has reached out to many charter school families and were able to re-enroll them into the school system.

Vice-Chairman Greene asked if the State has a maximum school population requirement and Ms. Newell said no.

Commissioner Pierce asked what the payback schedule would be and Mr. Church said that is unknown at this time. This request is simply to apply for the grant; it does not lock in the County to providing any funding.

Vice-Chairman Greene asked what percentage of the building is at least 75 years old. Ms. Newell said approximately 70%.

*On motion of Pierce, seconded by Caskey, the Board voted 4-0 to authorize the Board Chair to sign the Kannapolis City Schools application for the Needs-Based Public School Funding Grant.*

### **Legislative Hearing: TA 02-25 Noise Ordinance Amendments**

Ed Muire, Planning and Development Director, said at its March 3, 2025 meeting, the Board of Commissioners directed Planning Staff to have the Planning Board prepare revisions to the County's Noise Ordinance. In response, Staff researched noise ordinances from county jurisdictions across NC, acquired noise complaints registered with Rowan Telecommunications (9-1-1) in 2024 and met with county departments that typically receive these complaints. The staff-level meeting generated a list of potential revisions shared with the Commission for feedback and discussion at the Board's June 2, 2025 meeting. A consensus for revisions included: establishing uniform quiet hours in the County from 11 pm until 7 am; regulate explosions, parties and loud gatherings; and increase penalties for violations.

Mr. Muire reviewed the recommendations (Attachment A). Proposed amendments are depicted in red text, deletions as strikethrough text and staff commentary is included in the margin explaining the intent of the proposed amendments. The Planning Board conducted a Courtesy Hearing at its August 25, 2025 meeting and provided a favorable recommendation on

the proposed Noise Ordinance amendments [TA 02-25]. Following the Courtesy Hearing, final edits were made in consultation with the Sheriff's Office and County Attorneys for clarification and administration / enforcement. These suggestions appear in the document as blue text.

Commissioner Caskey asked what would happen if offenders challenge officers and Attorney Dees said it would go to District Court. He explained how the process works. Commissioner Caskey said he is concerned about enforcement. Mr. Muire said the Sheriff's Office has been involved in discussions, and ideally the existence of the ordinance will encourage compliance.

Commissioner Pierce asked if the ordinance could be revised in the future and Mr. Muire said yes.

Vice-Chairman Greene asked Mr. Muire to explain the one hour time limit to come into compliance. Mr. Muire described potential outcomes.

Mr. Muire said if the changes are approved, the ordinance would not be effective until October 20, 2025, as a second reading would be required due to the absence of a Board member.

Commissioner Caskey asked how Tannerite fits into the ordinance. Mr. Muire said if it was outside of the allowed time, they could be cited. Attorney Dees said they could request a Permit to Exceed if needed.

Commissioner Pierce asked if an appeal process had been established and Mr. Muire said no; the appeal would go to District Court.

At 4:00 p.m. Vice-Chairman Greene opened the public hearing and closed it after no one wished to speak.

*On motion of Pierce, seconded by Klusman, the Board voted 4-0 to approve TA 02-25.*

### **Legislative Hearing: Z 06-25 White, Barbee, Graham**

Shane Stewart, Assistant Planning and Development Director, said November 29, 2022, property owners Emorietta and Kelly White obtained a zoning permit for a 1,500 square foot metal fabrication business adjacent to their residence at 435 Hildebrand Road. Their Rural Residential (RR) zoned property permits Rural Home Occupations (RHO) subject to compliance with special requirements identified in sections 21-53 through 56 of the Zoning Ordinance, which include a maximum building size of 2,000 sf.

Last month, the White family expressed interest in expanding their RHO by more than the remaining 500 sf allowed and discussed potential options therein with Planning Staff. Since the Rural Agricultural (RA) district permit RHOs up to 12,000 sf (based on lot size and assuming public road frontage), staff suggested a joint petition to include nearby parcels, which joined an existing RA area.

Property owners Kelly and Emorietta White; David and Lydia Barbee; and Tommy Graham are requesting rezoning of their three (3) Tax Parcels from RR to RA. As a result, staff

recommend rezoning four (4) Tax Parcels owned by Kaley & Michael Callicutt, Inez Black, and Sandra Hartley from RR to RA. Mr. Muire displayed a map of the area and explained the changes to the zoning by parcel.

Mr. Stewart described the conditions in the vicinity as follows:

- Five (5) dwellings south of Hildebrand Rd. between rezoning boundary zoned RR.
- Seven (7) dwellings north of Hildebrand Rd. between Statesville Blvd. zoned RR.
- 89% of acreage between roads are in the present use value (PUV) program.
- Area borders a portion of Withrow Creek and the associated floodplain area.
- Less two (2) lots at the Withrow Creek bridge at NC 801 Hwy., all lots south of the rezoning boundary and east of NC 801 Hwy. are in the PUV program. Additionally, these parcels, which total 507 acres and extend to Sherrills Ford Road, are enrolled in the Voluntary Agricultural District (VAD) – zoned RA.
- Part of North Carolina State University’s (NCSU) agricultural test farm on Sherrills Ford Rd. is zoned RA.
- West Rowan High School located .37 miles southwest – zoned RA.
- Twenty-nine (29) acre adjacent parcel is enrolled in PUV and VAD – zoned RR.
- Industrial (IND) zoned property enrolled in PUV program.
- Mid-south industrial park located just off the map (.58 miles due east of rezoning boundary).
- Small concentration of dwellings along the 900- 1300 block of Hildebrand Rd. – zoned RR.
- Richard Wainwright Barber Farm – a 251 acre farm dating back to 1794 designated on the National Register of Historic Places and as a county historic landmark in 2008. Zoned IND and listed in PUV program.
- Norfolk-Southern railroad extends through the Barber Farm.
- Salisbury-Rowan Utilities public water line extending along NC 801 Hwy. from Statesville Blvd. to West Rowan High School.
- Intersection of Statesville Blvd. / NC 801 Hwy. / Barber Junction Rd. northwest of rezoning boundary contains a 15 acre Commercial, Business, Industrial (CBI) zoned area, which includes metal fabrication, restaurant, and a martial arts studio business.

No public comment was received during the courtesy hearing. Existing uses in the subject rezoning area are comparable with those commonly found in RA zoned areas. To maintain a consistent zone boundary, staff encourage inclusion of the recommended four (4) parcels as part of the board decision.

At 4:10 p.m. Vice-Chairman Greene opened the public hearing and closed it after no one wished to speak.

*On motion of Greene, seconded by Pierce, the Board voted 4-0 that Z 06-25 is consistent with Area 1 of the West Land Use Plan and reasonable / appropriate based on the following:*

1. *It will have minimal to no impact on roads, utilities, or schools.*
2. *It allows for a consistent zone boundary.*

3. *It is in alignment with the petitioner's request at no adverse effects to the surrounding property owners.*

*On motion of Greene, seconded by Caskey, the Board voted 4-0 to approve Z 06-25.*

### **Public Hearing: US-29 Temporary Lane Closure Ordinance**

Clerk to the Board Sarah Pack said annually, the Town of Spencer and the County Commissioners collaborate regarding a proposed temporary partial lane closure on US-29 for the annual "Race to the River" 5K run. This year, it's happening on Saturday, October 18. A public hearing will need to be held before the Board can adopt the lane closure ordinance. The 5K route will run mostly through Spencer, but as it approaches the Yadkin River, it will pass into Rowan County/outside Spencer's city limits. NCDOT Special Event Guidelines require that counties/municipalities pass an ordinance authorizing lane closures for special events. The Town will handle all logistics, including installation of traffic cones and electronic signage, as appropriate. The Town of Spencer adopted a lane closure ordinance at their regular governing board meeting on September 9.

At 4:13 p.m. Vice-Chairman Greene opened the public hearing and closed it after no one wished to speak.

*On motion of Pierce, seconded by Klusman, the Board voted 4-0 to adopt an Ordinance Approving a Temporary Lane Closure on US Highway 29 for the Purpose of Facilitating a Special Event.*

### **RCC Renovations – Concourse and Exterior Site Signage**

Craig Powers, Director of Engineering and Environmental Services, introduced Phillip Steele, Managing Principal of ADW Architects. Mr. Steele presented the proposed signage and concourse design for Rowan Community Center.

Mr. Steele explained the location of directional and monument signs and pointed out the locations on an aerial photograph. He displayed the materials the signs would be constructed of in order to match the aesthetic of the building and showed a rendering of the directional signs. The monument signs are much larger and more ornate; he described their appearance. Lastly, he described the wayfinding signs.

Vice-Chairman Greene asked if there were restrictions for the signs. Mr. Steele reviewed the Salisbury Signage Ordinance requirements:

- Limited to one sign per street frontage (unless street frontage exceeds 400 linear ft, you get one more.)
- 80 sf total signage area allowed. (If letters are independent of the background, only the letters will be counted toward that SF requirement.)
- Free-standing signs have a maximum area of 80 sf on each side.
- A digital sign may occupy no more than 50% of the total area.
- Height is limited to 10 ft for a monument sign and 15 ft for a pylon sign.
- Directional entry signage is permitted and may be internally illuminated, but is limited to 6 sf. Results:

- Only one monument sign is allowed on Statesville Blvd, and one monument sign on Jake Alexander.
- 80 sf total signage area allowed on each side of the monument signs, with 50% of that area being the digital sign.
- Letters for the “Rowan Community Center” should be approximately 40 sf, and digital signage should be approximately 40 sf.
- The rest of the signage body is not included in the signage sf calculation.

Mr. Steele reviewed the inspiration behind the concourse design and shared a rendering of the finished floor. He explained the pedestrian flow and pointed out the dining proximity. He described each feature of the main concourse and the opportunities they each present for visitors. Lastly, he showed some perspective views of what the completed concourse may look like.

The concourse renovations will cost \$4,709,796 and exterior signage will cost \$703,636. The sub-total of the construction cost is \$5,413,432 with a 7.5% owner contingency of \$406,007. The total construction cost is \$5,819,439. Adding in the owner soft cost and designer fees of \$754,150 brings the project total to \$6,573,589.

Mr. Steele explained how unoccupied storefronts will be displayed and what concourse fixtures will look like. Mr. Church said everything will look brand new to the public except for the old JC Penneys building. Mr. Steele described exterior renovations.

*On motion of Pierce, seconded by Klusman, the Board voted 4-0 to approve the final design for the Concourse and Exterior Signage and authorize the Purchasing Director to process materials and work with ADW Architects to bid project.*

### **RCC Renovations – Ag Building Project**

Phillip Steele, Managing Principal at ADW Architects, gave an update on the Ag. Building Project at Rowan Community Center. He showed the site plan and pointed out the location of the building. He shared the floor plan of the building and the reflected ceiling plan, pointing out the suspended fans and skylights. He displayed a perspective view of the exterior of the building.

Commissioner Pierce asked if the building would be heated and Mr. Steele said no, this building is strictly for storage. Commissioner Pierce said he is concerned about some items being stored in cold weather. Craig Powers, Director of Engineering and Environmental Services, said there may be a heated area. Mr. Steele said he would check into heating.

Vice-Chairman Greene stepped away from the meeting at 4:42 p.m.

Mr. Steele shared the following project costs:

PRE-ENGINEERED BUILDING SYSTEMS:	\$153,744
MECHANICAL & ELECTRICAL:	\$ 78,120
SITE & FOUNDATIONS:	\$162,968
MISC. (DOOR, HARDWARE, FEES, GENERAL CONDITIONS, PAINTING, PROFIT,	

CONTINGENCY ETC):	\$207,522
ADD ALTERNATE SKYLIGHTS:	\$ 4,841
SUB-TOTAL CONSTRUCTION ESTIMATE:	\$579,815
OWNER CONTINGENCY 5%:	\$ 28,991
TOTAL CONSTRUCTION ESTIMATE:	\$608,806
DESIGN COST:	\$ 67,500
TOTAL PROJECT COST:	\$676,306

Vice-Chairman Greene returned to the meeting at 4:44 p.m.

Vice-Chairman Greene suggested expanding the building and requested a potential alternate bid. He would like to see more square footage. Mr. Steele said an alternate for an additional bay could be investigated.

*On motion of Greene seconded by Pierce, the Board voted 4-0 to approve the final design for the Ag. Building Project and authorize the Purchasing Director to process materials and work with ADW Architects to bid project.*

### **Board Appointments**

Commissioner Klusman stepped away from the meeting at 4:51 p.m.

*On motion of Pierce, seconded by Caskey, the Board voted 3-0 (Klusman not present) to make the following board appointments:*

- *Bryant Clark – At Large Seat – Atwell Township Volunteer Fire Department Fire Commissioners*
- *Kenneth Cole – At Large Seat – Atwell Township Volunteer Fire Department Fire Commissioners*
- *Lynn Bost – At Large Seat – East Gold Hill Volunteer Fire Department Fire Commissioners*
- *Rajit Medlin – At Large Seat – Historic Landmarks Commission*
- *Gregory Boling – At Large Seat – Miller Ferry Volunteer Fire Department Board of Trustees*
- *Ryan Barkley – At Large Seat – Pooletown Volunteer Fire Department Board of Trustees*
- *Kenneth Sarnowski – At Large Seat – Pooletown Volunteer Fire Department Board of Trustees*

*On motion of Greene, seconded by Pierce, the Board voted 3-0 (Klusman not present) to make the following board appointments:*

- *Michael Agee – At Large Seat – Region F Aging Advisory Committee*
- *Crystal Clement – At Large Seat – Region F Aging Advisory Committee*
- *Nicholas Sengotta – At Large Seat – West Rowan Volunteer Fire Department Fire Commissioners*

- *Mike Caskey – Board of Commissioners Seat – Social Services Board.*

**Closed Session**

*On motion of Pierce, seconded by Caskey, the Board voted 3-0 (Klusman not present) to enter into closed session pursuant to NCGS 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on September 15, 2025, as described by NCGS 143-318.10(e), and pursuant to NCGS 143-318.11(a)(3), to consult with an attorney.*

Commissioner Klusman returned to the meeting at 4:56 p.m.

**Resume Open Session**

At 5:14 p.m. Open Session resumed.

**Adjournment**

*At 5:14 p.m., on motion of Pierce, seconded by Klusman, the Board voted 4-0 to adjourn.*

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Sarah Pack, CMC, NCCCC  
Clerk to the Board

1 **Chapter 14 NOISE**

2 **ARTICLE I. IN GENERAL**

**STAFF  
COMMENTARY**

3 **Sec. 14-1. Title.**

4 This chapter shall be known and may be cited as the Noise Ordinance of Rowan County.

5 **Sec. 14-2. Purpose and Authority.**

6 The purposes and objectives for which this chapter is adopted include the following:

- 7 (1) To preserve and promote the aesthetic quality of life in the county.  
8 (2) To achieve an environment for all citizens free from unreasonably loud noise that  
9 jeopardizes their health or welfare.

10 (3) ~~To recognize the right of individuals to obtain information and derive pleasure by~~  
11 ~~listening to radio and other such devices, and the right of the public to a peaceful and healthful~~  
12 ~~environment. To regulate, restrict and, when necessary, prohibit or abate the production and~~  
13 ~~emission of amplified sound, music and other noises or sounds in the unincorporated areas of~~  
14 ~~the county that tend to annoy, disturb or frighten citizens.~~

15 ~~This chapter is adopted pursuant to North Carolina General Statutes 153A-122, 153A-123, 153A-~~  
16 ~~128 and 153A-133.~~

17 **Sec. 14-3. Definitions.**

18 For the purposes of this chapter, certain words or terms used herein shall be defined as follows:

19 *Amplified sound* means any sound using amplifying equipment whose source is outside or inside,  
20 and the sound propagates to the outside through open doors or windows or other openings in  
21 the building.

22 ~~*Commercial or business property* means all premises where sales, professional or other~~  
23 ~~commercial activities are legally permitted.~~

24 ~~*Emergency work* means any work performed for the purpose of preventing or alleviating physical~~  
25 ~~trauma or property damage threatened or caused by an existing or imminent peril.~~

26 *Farming activities* means the production or related activities incidental to the production of  
27 crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and  
28 including the operation, improvement, maintenance of a farm and the structures and buildings  
29 on it.

30 *Holiday.* The following days, for the purpose of this chapter, will be recognized as “holidays” for  
31 ~~the consideration of granting permits to exceed maximum sound level: exceptions to the~~  
32 ~~standards of this Chapter: Memorial Day, Independence Day, Labor Day, Halloween, and~~  
33 ~~December thirty-first (New Year’s Eve) and January first (New Year’s Day).~~

34 *Noise* means any sound which annoys or disturbs humans, or which causes, or tends to cause, an  
35 adverse psychological or physiological effect on humans.

36 *Offender* means any person(s) or property owner(s) having apparent, legal or actual control of a  
37 premises where a violation(s) of this ordinance originates.

Reflects ordinance intent to regulate, restrict or prohibit noise

Statutory Authority: 122-applicable to areas of the County not w/in a city; 123-penalties for violations; 128-regulate explosive devices; and 133-noise

New term for use in 14.11 Exceptions. Generally derived from statutory definition of farming

Noise on these selected Holidays are exempt per 14.11

Person cited for violations of 14.21(d)

Outdoor athletic event does not include rodeos, go-karts, racing, etc.  
Defined what ordinance considers a party or gathering

Defined type of sound to be regulated

Defined standard of loudness

Sheriff's Office enforces the ordinance in the County. ALE no longer desires authority.

"Quiet hours" changed from 24 hours a day to 10 pm thru 7 am

1 *Outdoor athletic event* means any regularly scheduled **youth or collegiate** exercises, sports, or  
2 games ~~conducted in an organized competitive manner engaged in by athletes or with the aid of~~  
3 ~~animals.~~

4 *Parties or Gathering* an assembly of individuals, for any purpose, which includes two or more  
5 individuals who do not reside at the property from which the noise or other disturbance is  
6 emanating.

7 *Person* means any individual, association, partnership or corporation, and includes any officer,  
8 employee, department, agency or instrumentality of the United States, the state or any political  
9 subdivision thereof.

10 *Plainly audible* means any sound for which the information content of that sound is  
11 unambiguously communicated to the listener; such as, but not limited to, understandable speech  
12 or comprehension of musical rhythms.

13 *Public space* ~~means any area owned, utilized or occupied by a municipal, county, state or federal~~  
14 ~~agency including, but not limited to, park or recreation areas, streets and sidewalks.~~

15 *Residential use* means all premises containing habitually occupied sleeping quarters. However,  
16 premises containing transient commercial sleeping quarters are considered commercial uses.  
17 Hospitals, nursing homes, schools, libraries, fraternity and sorority houses and churches are  
18 considered residential uses.

19 *Sports facility* means any area primarily engaged in operating and promoting professional or  
20 amateur outdoor athletic events and having facilities dedicated or constructed for that purpose.

21 *Unnecessary sound* means any excessive or unusually loud sound or any sound which is of such  
22 character, intensity and duration as to disturb the peace and quiet of any neighborhood or which  
23 disturbs, injures or endangers the comfort, repose, health, peace or safety of any person and  
24 being a type of sound which could be lessened or otherwise controlled by the maker without  
25 unduly restricting their conduct.

26 ~~*Unreasonable, frequent and continued noise*, for the purposes of assessing complaints pursuant~~  
27 ~~to this chapter, shall be any audible sound which due to its character, intensity, and duration is a~~  
28 ~~nuisance to the surrounding public.~~

29 *Unreasonably loud* means any noise which a reasonably prudent person would consider or find  
30 substantially incompatible with the time and location where created to the extent that such  
31 noise creates an actual or imminent interference with the peace, dignity or good order in the  
32 immediate area where created.

### 33 **Sec. 14-4. Jurisdiction.**

34 The **Rowan County Sheriff's department Office** and any other county sanctioned law  
35 enforcement agency shall **have the authority to** enforce this chapter outside the incorporated  
36 area of any municipality, within the county, as provided in G.S. 153A-121 and 153A-122. As  
37 provided in G.S. 18B-501, the county alcohol beverage control office may enforce this chapter at  
38 any ABC licensed premises within the county.

39 **Secs. 14-5—14-9. Reserved.**

## 40 **ARTICLE II. REGULATION STANDARDS**

### 41 **~~Sec. 14-10. Unreasonable amplified sound~~ *Noises expressly prohibited.***

42 ~~Unless specifically exempted by this Chapter or by issuance of a Permit to Exceed, the standards~~  
43 ~~of this Section shall apply to the unincorporated areas of Rowan County between 10:00 pm and~~  
44 ~~7:00 am.~~

Standards in a thru c  
apply between 10 pm  
and 7am

Continue to regulate  
amplified sound

Propose to regulate  
parties or gatherings that  
are loud

Propose to regulate  
explosions

Propose to exempt farm  
machinery and  
operations

Specify that firearms are  
not regulated by this  
ordinance

Specify who gets notified  
and when for Permit to  
Exceed applications

1 a) **Amplified Sound.** It shall be unlawful for any person, group, event or business to play,  
2 use or otherwise operate any sound amplification equipment (to include radio, tape player,  
3 stereos, etc.) emitting sound that is ~~unreasonable, frequent and continued with such volume at~~  
4 ~~any time on any given day of the week,~~ **unnecessary or unreasonably loud** in a manner which  
5 may annoy or disturb the quiet, comfort or repose of the general public. ~~This provision will be~~  
6 ~~applicable when the source of the noise is plainly audible to the responding law enforcement~~  
7 ~~officer at a distance of one hundred (100) feet.~~

8 b) **Parties or Gatherings.** A gathering of people or participation in any party or event from  
9 which noise emanates at a sufficient volume or of such nature as to disturb the peace, quiet and  
10 comfort of any neighboring inhabitants and is determined to be unnecessary sound or  
11 unreasonably loud.

12 c) **Explosions.** The discharge of fireworks, pyrotechnics, binary explosives (aka Tannerite)  
13 or other explosive materials is prohibited.

#### 14 **Sec. 14-11. Exceptions.**

15 The following are exempt from the provisions of this chapter:

16 (1) Noise of safety signals, warning devices, emergency pressure relief valves and all church  
17 bells.

18 (2) Noise resulting from parades, lawful picketing or other public demonstrations protected  
19 by the U.S. Constitution or federal law.

20 (3) Noise from noisemakers and fireworks on holidays

21 ~~(4) Emergency work, as defined in section 14-3.~~

22 ~~(5)(4) Noise from outdoor athletic events or sports facilities.~~

23 (5) **Noise or sound emanating from farm equipment or associated farming activities.**

24 (6) **Discharge of firearms.**

#### 25 **Sec. 14-12. Permits to exceed.**

26 (a) *Who may apply.* Any person or organization may apply for a "permit to exceed"  
27 provided the event is open to the public.

28 (b) *Application for permit.* Applications may be made on the appropriate permit application  
29 form obtained from the **Rowan County Planning Department**. All requested information shall be  
30 provided by the applicant. In the event a permit application is submitted by a group or  
31 organization, a representative shall sign the application to serve as a contact.

32 All applications for a "permit to exceed" shall be submitted to the planning department at least  
33 three (3) calendar weeks prior to the next regularly scheduled county commission meeting;  
34 failure to comply with this requirement shall be grounds for denying the permit. **The planning**  
35 **department will provide mailed notice to owners of property within one hundred (100) feet of**  
36 **the request and post a sign(s) notifying the public of the request at least ten (10) days prior to**  
37 **consideration by the board of commissioners.**

38 (c) *Review of application.* The county board of commissioners shall act upon all requests for  
39 permits. In considering and acting on all requests for "permits to exceed", the following shall be  
40 considered in issuing or denying such permit:

41 (1) The timeliness of the application.

42 (2) The nature of the requested activity.

- 1 (3) Previous experience with the applicant. (4) The time of the event.
- 2 (5) Other activities in the vicinity of the proposed event.
- 3 (6) Frequency of the event.
- 4 (7) Cultural or social benefits of the proposed event.
- 5 (8) The effect of the activity on any adjacent residential area.
- 6 (9) Previous violations, if any, by the applicant.
- 7 ~~(10) — Adjoining property owners surrounding the location be notified by the planning~~
- 8 ~~department or applicant at least seventy-two (72) hours prior to consideration by the board of~~
- 9 ~~commissioners.~~
- 10 (d) *Permit fee.* All applications for a permit to exceed shall be accompanied by a processing
- 11 fee as established by the board of commissioners. This fee shall be nonrefundable except in cases
- 12 of administrative error.
- 13 (e) *Permit conditions.* "Permits to exceed" shall specify the duration for which
- 14 noncompliance shall be permitted and prescribe any conditions or requirements necessary to
- 15 minimize adverse effects upon the community or surrounding neighborhood.

16 **Secs. 14-13—14-20. Reserved.**

17 **ARTICLE III. ENFORCEMENT, PENALTIES, SEPARABILITY, EFFECTIVE**

18 **DATE**

19 **Sec. 14-21. Administration and Enforcement and duties.**

- 20 (a) **Administration.** The Rowan County Sheriff's Office shall be responsible for the
- 21 administration and enforcement of this chapter as provided in G.S. 153A-123. ~~In addition, the~~
- 22 ~~county alcohol beverage control and any other county sanctioned law enforcement agency have~~
- 23 ~~the authority to enforce the provisions of this chapter within their realm of jurisdiction.~~ Duties of
- 24 the Rowan County Planning Department shall involve the processing of permits to exceed.
- 25 (b) **Noise Complaint Procedure.** When any person has reasonable grounds for believing this
- 26 Chapter is being violated, a report of the incident may be made to the Sheriff's Office via phone
- 27 call, email or social media, which may cause the alleged violation to be investigated.
- 28 (c) **Investigation and Determination.** Upon receiving a complaint or observing a possible
- 29 violation, the Sheriff's Office may investigate the alleged violation. Upon arrival at the site of the
- 30 complaint, if the source of the noise is plainly audible to the responding law enforcement officer
- 31 at a distance of one hundred (100) feet, this shall constitute prima facie evidence that such
- 32 sound is an unnecessary sound or unreasonably loud.
- 33 (d) **Enforcement.** The Sheriff's Office shall have the discretion to enforce this article by any
- 34 one of the following or by any other manner provided by law:
  - 35 (1) Issue a first offense, informing the offender that the noise violates this ordinance
  - 36 and ordering the offender to immediately cease the unnecessary or unreasonable noise.
  - 37 (2) Following a first offense and for subsequent offenses, issue a citation(s) which
  - 38 subjects the offender to a civil penalty prescribed in Section 14.22. An offender shall
  - 39 have one (1) hour following receipt of a citation for an offense to achieve compliance
  - 40 with the ordinance before additional enforcement actions may be initiated.

Provision removed in favor of changes in 14-12(b)

Proposed complaint procedure and process

Sheriff's Office has the discretion to investigate

If a violation is warranted, warning citation is issued first

Offender has 1 hour after issue of a warning or citation to bring situation into compliance before additional citations are issued

Repeated violations may prompt Sheriff to seek an injunction or abatement

Enforcement window resets after 30 days

Propose to increase fines for violations following issuance of a warning citation. NCGS 14-4 limits fines to no more than \$500.

Issuance of penalties by Sheriff's Office is a misdemeanor and addressed in 14.21 and 14.22

Rowan County ALE does not need this authority to enforce its rules in alcohol establishments

Provision now contained in 14.21(d)

(3) Initiate a civil action seeking an injunction and order of abatement to be directed toward any offender creating or allowing the creation of any unlawful noise.

(4) Following a first offense and for subsequent offenses, the offender's failure to pay the same within ten (10) calendar days, the Rowan County Sheriff's Office may issue a misdemeanor warrant.

(e) Equitable Remedy. Enforcement of this Chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).

**Sec. 14-22. Misdemeanors.**

Any person, group, event or business found in violation of this chapter shall be guilty of a Class III misdemeanor, as provided by applicable state law. Each incident shall constitute a separate and distinct offense. Offense(s) within thirty (30) calendar days issuance of the First Offense shall subject the offender to the penalties prescribed below. An offense issued more than thirty (30) calendar days from the First Offense will constitute another separate and distinct First Offense.

First Offense (written warning)	Warning Citation (No Fine)
Second offense	\$100.00
Third offense	<del>\$200.00</del> \$300.00
Fourth and subsequent offenses	\$500.00

Notwithstanding the penalties listed herein, chronic violations of this chapter may subject the offender to an injunction or abatement as provided in Section 14.21.

~~**Sec. 14-23. Criminal process.**~~

~~The responding law enforcement officer shall be authorized to serve either a criminal summons or misdemeanor citation, as appropriate, to the person in apparent or obvious control of the location or facility.~~

~~**Sec. 14-24. Alcohol establishments.**~~

~~As provided in G.S. 18B-502, county ABC officers are authorized to conduct inspections of all licensed premises for which an ABC permit has been issued and are empowered to enforce the provisions of this chapter as necessary.~~

**Sec. 14-25. Separability.**

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the chapter as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

~~**Sec. 14-26. Equitable remedies.**~~

~~This chapter may be enforced by an appropriate equitable remedy, injunction or order issued by a court of competent jurisdiction pursuant to G.S. 153A-123.~~